

YOUR CHILD & FOSTER CARE

**A Publication of the
Arkansas Department of Human Services
Division of Children and Family Services**

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This information is available in different formats such as: large print, audio tape, etc. If you need another format, contact the Division's ADA Coordinator at 682-8760 or TDD 682-1442.

WHO TO CONTACT

Family Service Worker _____

Work Phone _____

Emergency Phone _____

Family Service Worker's Supervisor _____

Work Phone _____

Emergency Phone _____

DCFS County Supervisor _____

Work Phone _____

Emergency Phone _____

In the event you need to contact the Division of Children and Family Services ([DCFS](#)) for any reason, please call the persons listed above in the order they are listed. For example, if you can't reach the Family Service Worker or feel you have need to speak to a supervisor, please call the second name listed.

WHY YOUR CHILD IS IN FOSTER CARE

A child enters foster care because his parent(s), guardian, or relative is unable to meet the child's health, safety, or emotional needs. The purpose of foster care is to provide temporary care for a child until he can return safely to his home. The Division of Children and Family Services (DCFS) will make reasonable efforts, if required, to keep the family together so that the child can return to a home that is safe. In some cases, the court will decide that the child will not be able to return home. If a child is placed in foster care the parent(s) must be able to safety and adequately care for the child before he can be returned home.

Because stability is an important part of a child's life, the Division will work to find a permanent home for the child. While the child is in foster care, the Division will work to return the child to his parent(s) while at the same time, work to find other placements for the child, for example, adoption.

The Division of Children and Family Services' staff that work with you understand how difficult it is for you to have your child removed from your home. They care, and they want to help both you and your child.

(The use of the masculine pronoun in this handbook denotes both male and female gender.)

1. TWO WAYS CHILDREN ENTER FOSTER CARE

1. Voluntary Placements

~~There are occasions when, because of special circumstances, Children and Family Services agrees to voluntarily accept a child into foster care for a short period of time, not more than 30 days, without the court's involvement. This type of placement is not used very often but might be appropriate if, for example, the parent of a child had to enter the hospital unexpectedly for a short period, and there was no other family, etc., available to care for the child. In this or a similar situation, a parent and Children and Family Services might agree to place the child in foster care for a short time. When a child is in foster care under this voluntary arrangement, his medical expenses remain the responsibility of the birth/legal parent. Children placed voluntarily in foster care remain legally in the parent(s)' custody, not Children and Family Services, which means they can be returned to the parent(s) without any court or legal involvement.~~

FOSTER CARE IS NOT FOREVER (PERMANENCY PLANNING)

DCFS believes all children have a right to a safe, permanent family. DCFS will develop and carry out plans that will allow your child to have stable, permanent placement. Your Family Service Worker will work to help you overcome the problems that have made foster care necessary so that your child can return to your home. While this will be done as quickly as possible, there are some problems that take longer to solve than others. Your Family Service Worker will attempt to make your child's stay in foster care as short as possible. The primary goal of foster care is to reunite children with their families, whenever possible.

While almost all children who come into foster care are able to return home, there are some who do not. In these cases, the court determines that the parent(s), guardian, or relative(s) will not be able to solve the problems that prevent them from caring for their child. In these cases, the court may terminate the rights of the parent which will enable the Division to place the child for adoption. When the court grants termination of parental rights (TPR) the child's parents lose their rights to visitation and the other rights discussed in this booklet. Termination of parent rights is a legal action and is permanent. However, before this could happen, the parents would be entitled to court hearings and the right to appointed counsel, if indigent, or to seek the assistance of a lawyer, either through legal services or at their own expense.

While DCFS wants to return all children home to their custodial families, this is not always possible. The Division believes every child deserves a permanent home. If it can't be the home from which they were removed, then it may be the home of a relative or an adoptive home.

YOU AND THE COURT

~~In most cases,~~ Children come into foster care as a result of a court order signed by the judge. Please remember that doing things that are ordered by the court is very important to having your child returned

home in the shortest possible time. You should also know that the Family Service Worker assigned to help you has the responsibility to report to the court your progress or problems in meeting the conditions of the court order and preparing for the child's return to your home. It is very important that you attend all scheduled court hearings.

TYPES OF COURT HEARINGS

Each court hearing has a different purpose. Each hearing is described below so that you will know what to expect.

Probable Cause Hearing – The Probable Cause Hearing must be held within five (5) working days from the date of the filing of the order that the judge signs taking custody from you. The purpose of the Probable Cause Hearing is for the judge to decide whether there is reason to continue the emergency order removing the child from your custody. The judge will decide whether your child can safely live with you, stay in the temporary custody of the Department of Human Services, or live with someone else until the adjudication (trial) is held.

Adjudication Hearing (Trial) – The Adjudication Hearing must be held within thirty (30) days after the Emergency Hearing. It cannot be held later than sixty (60) days from the date the Probable Cause Hearing was held. The purpose of the hearing is for the judge to decide if your child has been dependent/neglected. Witnesses will tell what they know about the facts of the case.

Disposition Hearing – The Disposition Hearing is usually held at the same time, or immediately after the Adjudication Hearing. The judge will decide if it is in your child's best interest to stay in the custody of DHS, be placed in the custody of someone else, or be returned to you. At the hearing the judge will make some orders and approve a case plan for you and your child.

Review Hearing – The first Review Hearing must be held within six (6) months from the date your child was taken out of your home. The next Review Hearing must be held within six months after the first Review Hearing. The purpose of the hearing is for the judge to make sure that everyone is obeying the court orders and the case plan, to see how your child is doing in his placement and to see what services are being provided, or need to be provided, to allow your child to return home.

Permanency Planning Hearing – The Permanency Planning Hearing is a hearing for the judge to decide on a permanent placement for your child. The hearing must be held no later than twelve (12) months from the date your child was removed from the home. The judge will decide which one of these goals is in your child's best interest for your child's permanent placement: (1) Return the child to your custody. (2) Continue the goal for your child to be returned to your custody if you are making the right kind of progress. (3) Approve a plan to terminate your parental rights so someone else can adopt your child. (4) Approve a plan to place your child in the permanent custody of someone else. (5) Keep your child in foster care for a long time so that your child can learn how to be independent.

Termination of Parental Rights (TPR) Hearing – The purpose of the hearing is for the judge to decide whether to end the legal relationship between a parent and child. The TPR Hearing is a very serious hearing, because you could lose your rights to your child forever if the judge does terminate parental rights. To terminate parental rights, the judge must have information that is clear and convincing that the legal relationship between parent and child should end. If a judge does TPR, this means that even though you will always have a blood relationship to your child, you will no longer be a legal parent to your child. This also means that everyone in your family will no longer be legally related to your child. You will no longer be able to visit with your child, talk with your child, write to your child, or get information about your child. DHS, and not you, will be responsible and make all decisions about where your child will live and about who can adopt your child.

Any questions you have about the court or its orders can be discussed with your lawyer and Family Service Worker. If you want a lawyer and can't afford one, you should let the judge know this. There may be times when the court can arrange legal assistance. You may request a court hearing to review your

situation at any time; usually this is done through your lawyer. You may personally request a court hearing.

YOU AND YOUR CHILD

It is important for you to remember that even though your child is out of your home **YOU ARE STILL AN IMPORTANT PERSON** in his life. There are things you can do to help in the foster care placement.

1. If possible, explain to your child that his placement into foster care is necessary and best for now. Be sure your child understands that he is not to blame for being in foster care.. **THIS IS VERY IMPORTANT.**
2. Let the child know you are not leaving him forever; let him know you will visit him while he is in foster care, and that you will write letters.
3. If possible, send some of your child's favorite possessions, such as toys, books or other things of special importance.
4. Send your child's clothing and shoes when he enters foster care.
5. Don't make promises to your child which you might not be able to keep, such as promising gifts or telling him he is coming home before you are sure of this yourself. **Promises made, but not kept, are very upsetting to a child, especially when these are made by his parent(s).**
6. Please make every effort to keep the scheduled visits with your child because your child will be looking forward to seeing you. Whenever you can't keep a planned visit appointment, please let your Family Service Worker know as soon as possible.

YOU AND THE FAMILY SERVICE WORKER

The Family Service Worker wants your child to be able to return to your home. The Family Service Worker will make sure you know [and understand](#) the things you must work on to make the changes that are needed for your child's return. The Family Service Worker will try to help you with such things (if needed) as counseling, physical and psychological evaluations, better housing, employment, day care, transportation, and legal services. . The Family Service Worker may suggest to you what you need to do, and where [you](#) might find such things as housing, employment and other needed services. Please remember there are things you must do for yourself and for your child. A part of the Family Service Worker's job is to report back to the court the progress you make and to make recommendations on whether or not to return your child home (and, if so, when).

YOUR RIGHTS

1. You have the right to be notified, in advance, of any court hearing or other legal action involving your child. You will be informed of the time, location, and reasons for the actions.
2. You have the right to seek the assistance of a lawyer any time there is any type of legal action involving your child. If you cannot afford a lawyer, you should advise the court of this and seek assistance from legal services to determine whether or not you are eligible for free legal assistance.
3. You have a right to participate in the development of the case plan, receive a copy of the case plan and to petition the court to resolve disagreements about the case plan.
4. You have the right to appeal any final court order to a higher court.
5. Unless the court prohibits visits, you have the right to visit [your](#) child by making an appointment with the Family Service [Worker](#) (the visits are often supervised by the Family Service Worker).

You have the right to write letters to your child in care of Arkansas Department of Human Services, Division of Children and Family Services. These letters will be read by the Family Service Worker and/or the foster parent(s).

6. You have the right to an interpreter in court if you cannot hear, speak or understand English.
7. You have the right to be informed of how your child is doing in foster care, such as his progress in school or if there is [an](#) illness.
8. You have the right to expect [the Division of Children and Family Services \(DCFS\)](#) to make an effort to give you two weeks' notice before changing visiting arrangements with your child.
9. You have the right to make a complaint or ask any questions of the Family Service Worker concerning your child in foster care. Please see the list of names and phone numbers on the inside cover of this booklet.
10. You have the right to stay involved in making decisions in your child's life while he is in foster care. This [is](#) done by working with your Family Service Worker. There will be staffings ~~and Administrative Reviews~~ involving those persons working with you and your child, such as Family Service Workers, foster parent(s) [and attorneys](#), to discuss the progress made. You have the right to be a part of these staffings. ~~and Administrative Reviews~~. Your Family Service Worker will let you know when your attendance is needed.
11. You have the right to be notified, in advance, should your child change placement while in foster care, unless this advance notice would endanger the child; or an emergency arises in a placement, and the child must be moved to another placement.
12. [You have the right to participate in decisions, such as educational decisions, concerning your child's life. You may participate in physical and mental health assessments and treatment of your child unless it is determined to be not in the child's best interest by the court.](#)
13. Any time you have questions or feel you need to make a complaint about anything involving your child who is in foster care, you have the right to do so. Whenever possible, you should discuss questions and problems with your Family Service Worker, whose name and phone number are listed on the [inside cover of this booklet](#). Should you not be satisfied with the answers of your Family Service Worker, you should talk with his or her supervisor, or the DCFS County Supervisor (they may be the same person) whose names and phone numbers are also [listed on the inside cover of this booklet](#).

YOUR RESPONSIBILITIES

1. Case Plans

When your child enters foster care, it is your responsibility to be involved in making decisions for your child. Plans will be made with you to do the things that must be done to let your child leave foster care as quickly as possible. The Case Plan will be in writing and will list **all** of the things that must be done by DCFS and by you. You will be expected to be a part of making the Case Plan. One part of the case plan is a signed, written agreement between DCFS and you. This agreement makes clear what you and DCFS must each do in an effort to accomplish the things the court has required before consideration can be given to returning your child. The agreement will probably be reviewed in court to determine your progress in meeting the goals of the Case Plan. You may lose your rights as a parent if you don't meet the conditions of the Case Plan. If it is shown that you have failed to work to improve your ability to safely care for your child, DCFS will recommend to the court to end your rights to your child, unless a good reason for that failure exists.

2. Keep Your Family Service Worker Informed

It is your responsibility to let your Family Service Worker know of any changes that may occur in your home while your child is in foster care. Notify your Family Service Worker if:

- You move.
- You are unable to keep any appointment, especially visits with your child. Please notify your Family Service Worker as early as possible.
- There is any illness in your home.
- Your employment changes.
- You think you may be unable to keep some requirement of a court order or case plan/agreement.

3. Financial Support

You have the responsibility to contribute money (to the best of your ability) to support your child while he is in foster care. This may even be a requirement of the court order. Your Family Service Worker will discuss this with you.

4. Staffings

As mentioned earlier, there will be meetings, called “staffings”, to determine family progress and to make plans for your child. It is both your right and responsibility to be a part of portions of these meetings as requested.

WHAT THE DIVISION OF CHILDREN AND FAMILY SERVICES PROVIDES FOR YOUR CHILD

- The opportunity to live in a foster home, group home, or facility best suited to meet your child’s needs, and which is reasonably close to your home community. This will ensure the continued ability for you and your child to have contact. The health and safety of the child will play ~~an~~ a critical important role in placement decisions.
- Medical care, including dental and visual, as well as counseling and mental health services where required.
- The best educational setting (type of school program) that is available.

YOUR CHILD’S MEDICAL NEEDS

It is very important that you tell your Family Service Worker of any medical needs or problems your child has. This means any illness, medicines, allergies, and immunization records (shots), so that your child will get proper medical care. Your Family Service Worker will attempt to contact you immediately if your child is seriously ill, seriously injured, or in need of any type surgery. This alone is an important reason for your Family Service Worker to know how to get in touch with you.

YOUR CHILD AND SCHOOL

Often a child must change schools when he comes into foster care. A child must attend school in the school district where he currently lives. The foster home may not be in the same school zone where your home is located.

THE FOSTER PARENTS

The foster parent(s) who provide care for your child are persons who have been especially selected and trained to care for children like yours, who for some reason cannot, at the present time, be in their own homes. The foster parent(s) and DCFS ~~Children and Family Services~~ want your child to be returned to your home.

It is important that the foster parent(s) know of any special needs your child may have, such as:

- Any medical problems that may involve doctor's appointments or medicines.
- Any information about sleeping, toilet, and eating habits that you think are important.
- Any school problems that the foster parent(s) might help with.
- Any personal fears (of dogs, etc.) or information about hobbies, special interests, etc.
- Family religious preference, customs, etc.

Talk with your Family Service Worker about these and any other needs your child may have. The Family Service Worker is in regular contact with the foster home and will give the information to the foster parent(s).

REMEMBER

In order to have your child returned to you, it is very important for you to work with all those involved with your case. You must attend all scheduled court hearings and follow the conditions outlined in the Case Plan. If you have any questions about your case please discuss your concerns with your Family Service Worker.